



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/799,617

03/15/2004

Koji Tsukimori

SON-2967

8418

23353 7590 11/16/2011
RADER FISHMAN & GRAUER PLLC
LION BUILDING
1233 20TH STREET N.W., SUITE 501
WASHINGTON, DC 20036

EXAMINER

ZAMAN, FAISAL M

ART UNIT

PAPER NUMBER

2111

MAIL DATE

DELIVERY MODE

11/16/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/799,617	Applicant(s) TSUKIMORI ET AL.
	Examiner Faisal M. Zaman	Art Unit 2111

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 03 November 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 64-87.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Faisal M Zaman/
Primary Examiner, Art Unit 2111

Continuation of 11. does NOT place the application in condition for allowance because: The previously applied references teach all of the limitations of the argued claims, as discussed in the Final Office action.

Regarding Claim 64, Applicant argues that "Nichols fails to disclose, teach, or suggest a frame frequency for a frame of image data being the frequency for said frame synchronization information." (Response, page 12, item 1a). However, AAPA was used in the rejection to teach the argued feature. As discussed on page 1, lines 5-13 under the Description of Related Art, AAPA teaches the argued feature. Accordingly, it can be seen that the combination of Nichols and AAPA does in fact teach the argued limitation.

Also regarding Claim 64, Applicant argues that "Nichols fails to disclose, teach, or suggest the second PLL 508 being configured to generate the synchronization timing signal in the absence of the reference clock signal." (Response, page 13, last paragraph). The examiner disagrees. Contrary to Applicant's argument, Nichols does in fact teach the argued feature. As described in Column 15, lines 15-16 of Nichols, "[d]uring a holdover condition, the timing signal is generated without use of an input reference clock signal." As can clearly be seen, the synchronization timing signal is in fact generated in the absence of the reference clock signal. Accordingly, it can be seen that Nichols does in fact disclose the argued limitation.

Finally regarding Claim 64, Applicant argues that "AAPA fails to disclose, teach, or suggest synchronization information generation circuit configured to generate synthesized synchronization information in the absence of said reference signal." (Response, page 17, last paragraph). However, Nichols was used in the rejection to teach the argued feature. As discussed in the preceding paragraph, Nichols clearly teaches this limitation. Accordingly, it can be seen that the combination of Nichols and AAPA does in fact teach the argued limitation.

Regarding Claim 65, Applicant argues that Iizuka fails to teach several claim limitations found in Claim 64 (Response, pages 19-21). However, the Iizuka reference was not used in the rejection to teach the argued features. To the contrary, Nichols and AAPA were used to teach the argued features. Accordingly, it can be seen that the combination of Nichols, AAPA, and Iizuka does in fact teach all of the limitations of the argued claims. A similar situation applies with regards to Claim 67 and the Chun reference (see Response, pages 21-24), and also Claim 68 and the Holmdahl reference (see Response, pages 24-27). In fact, Applicant continuously argues against references that were not used at all in teaching certain limitations for many of the argued claims. With regards to all of these claims, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding Claims 70 and 71, Applicant argues that "Pries fails to disclose, teach, or suggest that the acquisition commands are generated at a rate of reception" (Response, page 30, item 2a). The examiner disagrees. Contrary to Applicant's argument, Pries does in fact teach the argued feature. As discussed in Column 7, lines 29-32, a receiver in a particular unit transmits an acquisition command (i.e., the retransmit signal) at a rate of reception of a first signal (i.e., the timing notice signal). More specifically, the receiver provides the retransmit signal "responsive to said first signal". Accordingly, it can be seen that Pries does in fact teach the argued feature.

Also regarding Claims 70 and 71, Applicant argues that "AAPA fails to disclose, teach, or suggest that the rate is at a frame frequency for a frame of image data." (Response, page 31, item 2b). The examiner disagrees. Contrary to Applicant's argument, AAPA does in fact teach the argued feature. As discussed on page 1, lines 5-13 under the Description of Related Art, AAPA teaches the argued feature. Accordingly, it can be seen that AAPA does in fact teach the argued feature.

Regarding Claim 73, Applicant argues that "AAPA is silent as to an output of acquisition command transmissions from a computer being synchronous with the frequency rate." (Response, page 34, first paragraph). However, the Iizuka reference was used to teach the claimed feature of a computer outputting acquisition commands. Accordingly, the combination of Iizuka with AAPA would in fact result in the argued limitation.

Therefore, the claims stand as previously rejected.